

# Felony Drug Court Program

October 1, 2006- July 31, 2011

**20th Judicial Circuit, Administrative Office of the Courts  
Lee County**

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*The Lee County Felony Drug Court Report is a comprehensive analysis of statistical data collected since expansion of the program in October of 2006.*



**Introduction & Program Goals-** The Felony Drug Court Program is a court-supervised drug and alcohol treatment program for individuals involved in the criminal justice system with a substance abuse problem, created under Florida Statute 397.334. This program is designed to divert cases from the traditional court system while helping participants recover from drug and alcohol addiction, stay in recovery and become productive members of society. This program provides immediate and concentrated treatment, which includes supervision and monitoring by a drug court team and drug court judge. The drug court team will work with and help the participant to comply with the requirements, but participants must be committed to recovery to be successful in this program. Entry into the program is completely voluntary, but compliance is required while in the program.

**Referral and Screening Process-** Participants may be identified at booking by the Pretrial Services Intake and Investigation Unit or be referred by counsel, family, other treatment providers, or be self-referred. Criminal history is researched to ensure eligibility criteria are met. A potential participant must be a Lee County resident with a pending non-violent felony charge or be on probation for a non-violent felony charge and have a violation of probation pending. The potential participant must not have a current charge that carries a minimum mandatory sentence. In addition, there could be other factors, at the discretion of the State Attorney's Office, which may preclude entry into the program. The potential participant must also be screened by an addiction specialist indicating the participant is amenable to substance abuse treatment.

The State Attorney's Office has the sole discretion to decide which participants will be approved for the Felony Drug Court Program and, when approved, will make an offer depending on the outcome of the score sheet and the treatment needs. If convicted of a drug crime, the driver's license will be suspended for a period of 2 years in accordance with Florida Statute.

**Program Description-** Participants who enter the Felony Drug Court Program enter a plea with the prison sentence deferred during the program, while being supervised by the Department of Corrections. The participant must sign a Probation Agreement and enter a guilty or no contest plea to the charges, depending upon the plea agreement agreed upon by the participant, counsel and the State Attorney's Office. The probation will be part of the sentence and the successful completion of the requirements of the Felony Drug Court Program will be a condition of the probation. The sentence will include a suspended sentence to serve a period of time in the county jail or state prison system. The participant will be on "Drug Offender Probation" and all of the standard terms and conditions of any probation under the Florida Statutes and the Rules of Criminal Procedure will apply when applicable. If the participant willfully and substantially fails to comply with all of the requirements of the drug court program, it may be considered a violation of the probation, and the participant may be terminated and the sentence may be imposed after a hearing on the charge of violation of probation. The judge may also choose to keep the participant in the program and/or sanction him or her with time in jail, community service hours, and other sanctions. The participant cannot leave the program until the judge says the participant has been terminated.

**Court Appearances-** The drug court program does require many court appearances before the judge. Prior to court, the judge will meet with the drug court team to review the progress and performance in treatment of all of the cases that will be coming before the judge that day. The drug court team consists of representatives from the State Attorney's Office, the Public Defender's office, Pretrial Services, the Department of Corrections, the treatment provider and the drug court judge(s). During court, the participant and the judge communicate to discuss any problems the participant might be having. If doing well, the participant will be rewarded and encouraged to continue working on his or her treatment plan. If not in compliance, the judge will determine the consequences. If a participant fails to appear for a court session, he or she can be arrested and held in custody until brought before the drug court judge.

**Drug and alcohol testing-** Throughout the program, the participant will be tested for the presence of drugs and alcohol, as drug and alcohol tests are the foundation stones to demonstrating sobriety. The tests may be required at scheduled times, but will usually be random and without warning, and can be required at any time by a drug court team member. A failure or a refusal to take a drug test will be considered a positive result. Drug testing will be supervised at all times by a laboratory technician, clinician, or supervising officer as a last resort, any of which must be of the same gender.

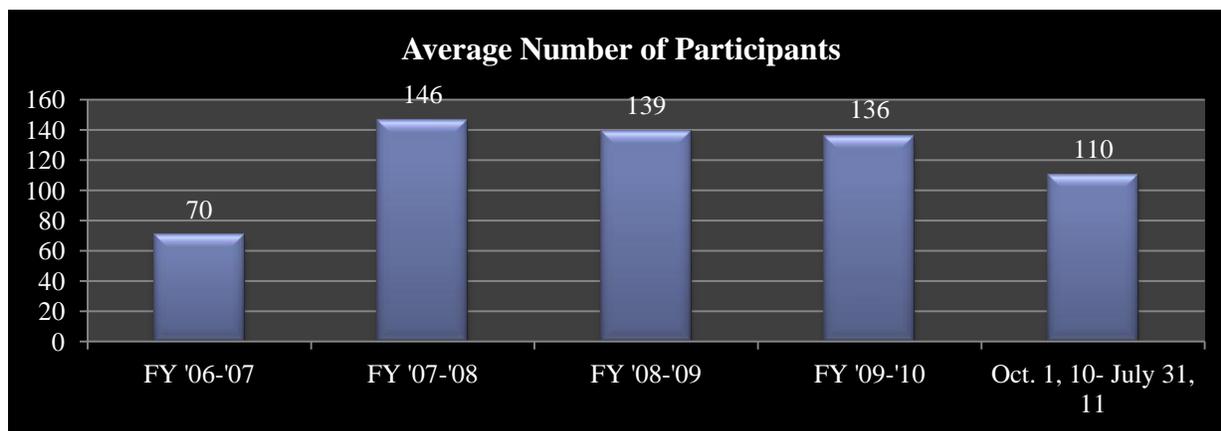
**Treatment Plan-** An individualized treatment plan will be developed, which will change from time to time as the participant progresses through the program. Some of the treatment plan may also consist of instructions from the judge, treatment provider, the pretrial officer or probation officer or any other member of the drug court team. The participant will always know exactly what is expected and must do everything required by the treatment plan. The treatment plan will require attendance at group therapy or basic education, individual counseling sessions and 12-step meetings, such as Narcotics Anonymous, Cocaine Anonymous, Alcoholics Anonymous, or similar meetings. The participant will be required to find a 12-step sponsor. At minimum, the treatment plan will require outpatient treatment, but may also include family counseling and residential treatment. The plan will require the participant to find a job or participate in job training, unless excused by the drug court team. The plan may also require the performance of community service. If needed, the participant may be required to consult with a doctor or other medical provider for any medical or mental condition. The participant must obtain approval from the drug court team prior to taking any prescribed medication. Substances containing alcohol are not allowed under any circumstance, even if prescribed.

**Fees-** The participant must pay the monthly drug court fee of \$50 and an annual drug and alcohol testing fee of \$100 to the treatment provider. In addition, participants must pay a \$100 cost of prosecution fee. Participants who plead guilty or nolo contendere to a violation of any provision of Florida Statute 893.13 may be required to pay a \$100 fee to the Florida Department of Law Enforcement. Willful and substantial failure to pay fines, court costs or restitution will be considered a violation of the program and the participant may be sanctioned or terminated from the program and the judge may determine that the participant violated probation. Additionally, participants who are represented by the Public Defender's Office must pay the \$50 fee for the Application for Criminal Indigent Status and a \$100 Public Defender attorney fee.

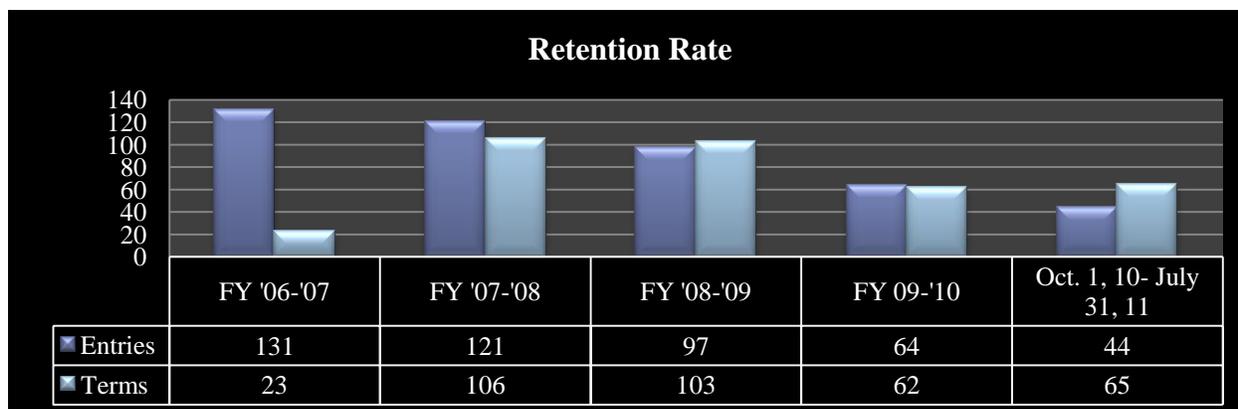
**Phases-** The length of the program is partly dependent on the participant. In general, the participant is expected to complete the requirements between fourteen and a half and twenty-four months, unless recommended otherwise by the drug court team. There are four phases, each of which must be completed before advancing to the next phase and all of which must be completed before graduation. If a participant is in residential treatment, specific phase requirements may be modified only when recommended by the drug court team and approved by the drug court judge.

Upon graduation, if the participant is in the program for a substantive charge(s), the State Attorney's Office will dismiss the charge(s). If the participant has a charge of violation of probation after a prior plea and probation sentence, the violation of probation affidavit will be dismissed, the probation will be terminated and the original conviction that was imposed will remain. Adjudication originally withheld will be upheld upon graduation. If the participant pled to a charge(s) for which the participant has not previously been placed on probation, the participant will be allowed to withdraw the plea of guilty or no contest upon graduation, the sentence will be vacated and the charge(s) will be dismissed by the State Attorney's Office. The participant's family and friends will be welcomed to join the participant and the drug court team in court on the day of expected graduation. This will be the first day of a new life, a life that is free of substance abuse.

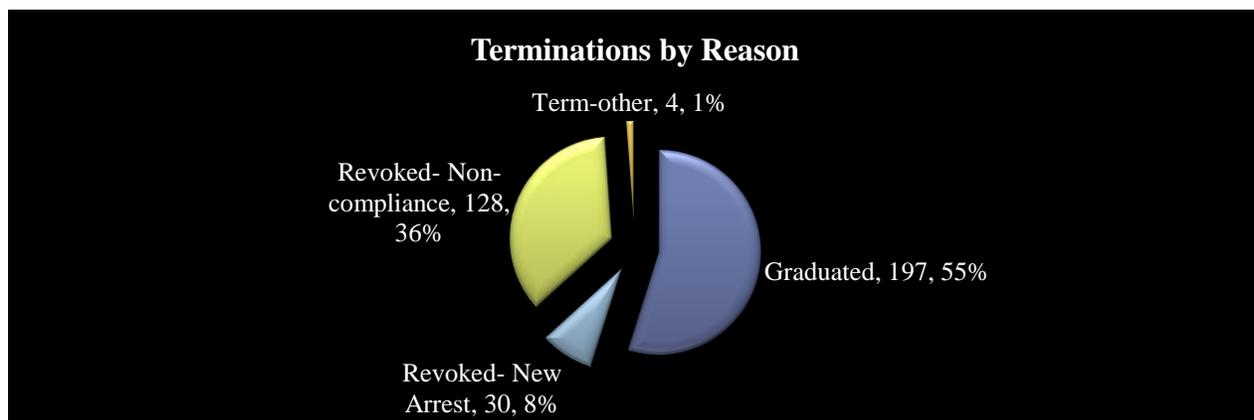
The chart below illustrates the *average* number of participants active in the Felony Drug Court Program during each fiscal year since expansion.



The chart below illustrates the program's retention rate since expansion. Retention rate is defined as how many defendants completed the program (both successful and unsuccessful) divided by how many defendants who entered during the same time period. The program averaged a 79% retention rate (note no cohort used) since expansion, compared to the national average of 60% and state average of 67%.



The chart below illustrates the breakdown of terminations since expansion, indicating an average success rate of 55%, compared to the national average of 50%.

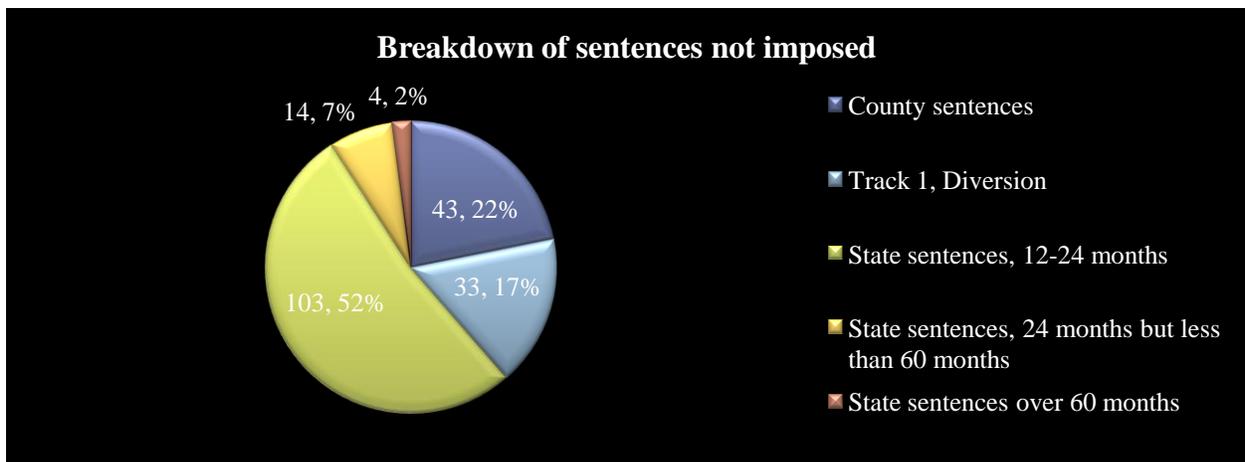


## COST AVOIDANCE

Many participants are in custody pending approval into the Felony Drug Court Program. The time goal to resolve an expedited case is 180 days and a standard case is 240 days, either of which a drug court participant would be categorized in. The current average daily cost to house a defendant in the Lee County Jail is \$80 per day. Since the average time from identification to entrance in the program is approximately sixty days, it could be logically concluded that a drug court participant in custody is decreasing pretrial in-custody days anywhere from 120 to 180 days, *saving \$9600 in county dollars per eligible participant* at a minimum rate of \$80/day times 120 days. At an average of 91 participants entering the program annually, this would estimate a cost avoidance of \$873,600.

Drug court participants that do successfully graduate have their suspended sentences vacated. The cost avoidance is illustrated below, with a breakdown of the average number of days that would have been served in the county jail or state prison system if these sentences had otherwise been imposed. Totaling the number of county days not served at a rate of \$80/day cost of incarceration savings, the county has saved 14,560 days estimating the total dollar amount saved at \$1,164,800 for those 43 participants sentenced to 364 days in the Lee County Jail. Participants that were successful in Track 1/Diversion also saved substantial county dollars, but figures are unknown without suspended sentences.

Additionally, to demonstrate the total impact of the Lee County Felony Drug Court Program, the total number of days saved from state prison sentences is estimated at 78,384 days (2,612.8 months).



According to the Office of the State Courts Administrator, Office of Court Improvement, drug courts are proven to be highly cost effective. Recent cost benefit studies have concluded that drug courts save on average \$3,000- \$12,000 per participant. On average, every \$1 spent on drug courts was estimated to result in a cost saving of \$1.74 to \$6.32 per participant.

In addition to county and state dollars being saved from the number of days not served at a county jail or state prison, national research has proven drug courts have been effective in reducing recidivism and in reducing taxpayer costs due to positive outcomes for participants, as well as increasing public safety. Participants become productive members of society, becoming fully employed and contributing to family support, with fewer re-arrest rates.

## **MEETING TEN KEY COMPONENTS BY INDEPENDENT SURVEYS**

Florida Adult Felony Drug Court Programs have recently been assessed through NPC Research, on behalf of the Office of the State Courts Administrator, to determine the extent that best practices are demonstrated. Out of the 33 participating programs, Lee County ranked one of the highest with 72% of study practices being met. These study practices have been established by outcome and cost studies nationwide, based on the 10 Key Components of Drug Courts. As a result of being one of the highest performing programs, Lee County was recently selected to partake in a comprehensive process, cost, and outcome study, beginning in September of 2011.

### **CASE HIGHLIGHTS**

In addition to the positive outcomes outlined above, the personal impact to families should not be minimized or overlooked. Below are actual participant stories, with fictitious names in order to maintain confidentiality, in which highlight significant life achievements as a result of the Lee County Felony Drug Court Program.

James has lived in Lee County for nearly his entire life. Soon after becoming an adult, James began picking up criminal charges. James's drug involvement continued through the years and is evidenced on his extensive criminal record. Prior criminal history included grand theft, providing false information, failing to register as a convicted felon, resisting without violence, violation of injunction and driving related charges. As is typical of persons involved in drug activity, James continued to feed his selfish drug habit by engaging in endless criminal activity. This included lying to family members and stealing from anyone to obtain money for his drugs.

Entering into the Lee County Drug Court program in 2008 for drug related charges was a complete turn-around for James and his family. The program provided the help and structure that James needed to end his downward spiral. Since entering, and completing the Drug Court program in August of 2011, James has obtained responsible steady employment as a manager of a restaurant and has remained crime-free. James now has short term and long term goals, enjoys a happy family life with his son and girlfriend, and is free from the debilitating grip of his drug addiction. The rewards in a situation like this are far reaching in that James, his family, and our community as a whole, are greatly benefitted when James is freed from his drug addiction.

Annie has been a resident of Lee County her entire life. Prior to entering into Drug court on drug related charges, Annie had a long history of criminal charges including several felony drug convictions, grand theft and trespass. In addition, Annie was unemployed for 10 + years and for much of that time was also homeless due to her crippling addiction. Upon entering the Lee County Drug Court program in 2008, Annie was finally able to introduce structure and order into her life by learning how to effectively overcome her drug addiction. Annie began to see life in a whole new light and, instead of floating aimlessly, Annie began to find direction and achieve goals.

Today, Annie enjoys a stable family life with her boyfriend and her 2 year old child that was born drug-free into a clean home, thanks to the Lee County Drug Court program. Annie graduated the program in March, 2011 and has remained crime-free. In Annie's case, the magnitude of changing one person's life is clearly evident and demonstrates that if we can help just one person, the positive effect is felt on so many levels throughout the community.

Kathy was born and raised in Lee County, Florida. On July 20, 2006, at the age of 27, she was arrested for Possession of a Controlled Substance and Possession of Cocaine. Kathy was a mother, unemployed, and had been addicted to drugs for many years. She entered the Lee County Drug Court Program with a suspended sentence of 365 days on the afternoon of December 10, 2007. During her exit interview, she described her life as amazing. Kathy had built relationships based on trust and love. She was now the mother that her children deserved and looks forward to each day. At the time of graduation, Kathy had a full time job and had been clean and sober for 20 months. Through hard work, dedication and help from family, friends, and members of the drug court team, Kathy graduated from the program on July 19, 2010. As of August 24, 2011, Kathy has remained crime free.

Katelyn was raised in Georgia, the middle child of 3 children. Although she had experimented with drugs since the age of 9, her daily drug use started when she entered high school. Katelyn began skipping school, smoking marijuana every day, drinking alcohol on the weekends, and experimenting with methamphetamine. Katelyn never believed that she had a substance problem because she was able to stop on her own. Katelyn and her family moved to Florida her senior year of high school. She met a new friend and started doing Xanax and cocaine on a daily basis for the next year. An overdose of all day snorting and smoking finally made Katelyn stop using cocaine. Pills became Katelyn's new drug of choice. She would do anything to get a pill; even if it meant stealing from her boyfriend or own mother. Katelyn's heroin addiction started when she couldn't find anyone to sell her pills. She now found herself not only selling heroin but also her own body to support her heroin addiction. The law finally caught up with her on April 22, 2009 when she was arrested for Grand Theft, Dealing in Stolen Property, and Giving False Ownership Information to a Pawn Broker.

Katelyn's life was about to take a drastic turn; on October 19, 2009 as she entered the Lee County Felony Drug County Program with track marks on her arms. After three weeks of trying to pass a drug screen, Katelyn was finally taken into custody where she remained until a bed space opened at a treatment center. Through the help of the drug court program, Katelyn received counseling and drug education where she learned to cope with her disease. While in the program, Katelyn re-built her relationship with her family and developed new friendships based on trust and love. She was no longer the irresponsible and selfish person she once was before she graduated from Drug Court on August 18, 2011. Katelyn was sober for 16 months and had developed into a caring, trustworthy, and hard working woman.

\*\*\* Note the above four participants had a combined total of 44 arrests with 30 criminal convictions prior to entering the Lee County Felony Drug Court Program. Since graduating, none of these participants have recidivated.